

Entered - 02/04/02 - sb
CL02L0102 - DIANNE C. MITCHELL

CLAIM OF: LAMAR AND SALLY FLEMING,
through their attorney,
Allen E. Lockerman, IV
Building 8, Suite 200
750 Hammond Drive, NE
Atlanta, Georgia 30328

02-*R*-0786

For damages alleged to have been sustained as a result of storm water
overflow on September 7, 2001 at 4131 Paran Pointe, NW.

THIS ADVERSED REPORT IS APPROVED

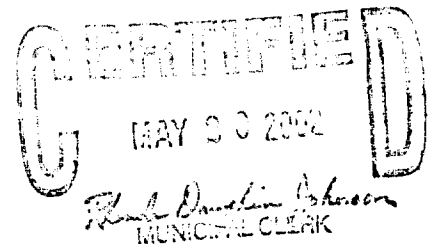
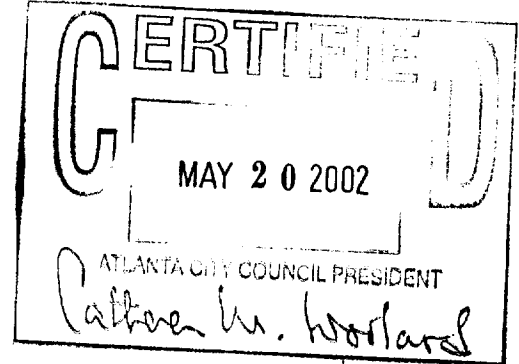
BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL MAY 20

CONSENT AGENDA

ADVERSE REPORT

COMM: *Public Safety*
DATE: *5/14/02*
CHAIR: *Carla Brice*
Clara Harrison
Hand Sklar
C. T. Martin
Robert Archibald





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

May 31, 2002

Allen E. Lockerman, IV
Attorney at Law
750 Hammond Drive, NE
Building 8, Suite 200
Atlanta, GA 30328

02-R-0786

RE: Lamar and Sally Fleming

Dear Attorney Lockerman:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on May 20, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0102**

Date: May 3, 2002

Claimant /Victim LAMAR AND SALLY FLEMING

BY: (Atty) Allen E. Lockerman, IV

Address: Building 8, Suite 200, 750 Hammond Drive, NE, Atlanta, Georgia 30328

Subrogation: Claim for Property damage \$ 91,373.57 Bodily Injury \$ _____

Date of Notice: 01/31/01 **Method:** Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X

Date of Occurrence 09/07/01 **Place:** 4131 Paran Pointe, NW

Department Public Works **Division:** Sewer Operations

Employee involved _____ **Disciplinary Action:** _____

NATURE OF CLAIM: The claimants allege their property was damaged due to the overflow of a “retention pond”. The investigation determined that the retention pond and associated drain pipes are privately owned and not the responsibility of the City of Atlanta.

Statements: City employee X Claimant Others Written Oral X
 Pictures Diagrams Reports: Police Dept Report X Other
 Traffic citations issued: City Driver Claimant Driver
 Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse ☒ Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
 Claims Manager: *[Signature]* Concur/date 05-03-02
 Committee Action: _____ Council Action _____

RCS# 3731
5/20/02
2:33 PM

Atlanta City Council

Regular Session

CONSENT I PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE
CONSENT AGENDA

02-R-0813	02-R-0753
02-R-0812	02-R-0754
02-R-0807	02-R-0755
02-R-0805	02-R-0756
02-R-0721	02-R-0757
02-R-0504	02-R-0758
02-R-0808	02-R-0759
02-R-0708	02-R-0760
02-R-0707	02-R-0761
02-R-0882	
02-R-0881	
02-R-0809	
02-R-0798	
02-R-0797	
02-R-0732	
02-R-0706	
02-R-0724	
02-R-0802	
02-R-0888	
02-R-0887	
02-R-0733	
02-R-0731	
02-R-0728	
02-R-0727	
02-O-0846	
02-O-0830	
02-O-0703	
02-O-0699	
02-O-0671	
02-O-0606	
02-O-0605	
02-O-0833	
02-O-0601	
02-O-0488	
02-O-0836	
02-O-0845	
02-O-0844	
02-O-0843	
02-O-0835	
02-O-0834	
02-O-0603	
02-R-0735	
02-R-0752	

ITEMS ADVERSED ON THE
CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
02-R-0765
02-R-0766
02-R-0767
02-R-0768
02-R-0769
02-R-0770
02-R-0771
02-R-0772
02-R-0773
02-R-0774
02-R-0775
02-R-0776
02-R-0777
02-R-0778
02-R-0779
02-R-0780
02-R-0781
02-R-0782
02-R-0783
02-R-0784
02-R-0785
02-R-0786
02-R-0787
02-R-0788
02-R-0789
02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796